

LAW OFFICES OF RACHEL BLUMENFELD  
Attorney for the Debtor  
26 Court Street, Suite 2220  
Brooklyn, New York 11242  
Telephone: (718) 858-9600  
RACHEL BLUMENFELD

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In re:

1443 61 LLC

Chapter 11  
Case no:

Debtor.

\_\_\_\_\_  
X

**AFFIDAVIT PURSUANT TO LOCAL RULE 1007-4**

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF KINGS     )

Yecheskel Weingarten, being duly sworn, deposes and states as follows:

1. I am the managing member of 1443 61 LLC, debtor and debtor-in-possession (the "Debtor") in this Chapter 11 case, and as such I have personal knowledge of the statements contained herein.

2. I submit this affidavit pursuant to Rule 1007-4 of the Local Bankruptcy Rules for the Eastern District of New York.

**BACKGROUND**

3. On March 19 2014, the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code.

4. There are no pending bankruptcy case filings by Debtor.

**INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1007-4**

**Local Rule 1007-4(a)(i)**

6. Debtor is not a small business within the meaning of Section 105(51D) of the Bankruptcy Code. Debtor's principal asset is located at 1443 61st Street in Brooklyn, New York (the "Property"). Debtor's filing of its Chapter 11 was precipitated by the imminent foreclosure sale of the Property. This is a single asset real estate matter.

**Local Rule 1007-4(a)(ii)**

7. Debtor is a New York limited liability company, with the Debtor's corporate office located at 1742 42 Street, Brooklyn, New York. Debtor is a non-public company and none of its shares are registered under Section 12 of the Securities Exchange Act of 1934. I hold and own a one hundred percent (100%) interest in Debtor. The Debtor's filing of its Chapter 11 was precipitated by the imminent foreclosure sale of the Property. This is a single asset real estate matter.

**Local Rule 1007-4(a)(iii)**

8. This case was not originally commenced under Chapter 7 or 13 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code").

**Local Rule 1007-4(a)(iv)**

9. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

**Local Rule 1007-4(a)(v)**

10. A list of the names and addresses of the Debtors' respective 20 largest unsecured claims, excluding those who would not be entitled to vote at a creditors' meeting and creditors

who are “insiders” as that term is defined in 11 U.S.C. Section 101(31) is annexed hereto as **Schedule “A”**.

**Local Rule 1007-4(a)(vi)**

11. The Debtor has one secured creditor, Ronald & Sally Testa, 1059 81st Street, Brooklyn, New York. Upon information and belief, the Testa’s are estimating the amount due to them as \$832,462.72, which lien is disputed by the Debtor. Debtor’s assets consists of its ownership of the Property with a present anticipated fair market value of \$1,000,000.00.<sup>1</sup> Debtor’s total liabilities at this point are approximately \$1,447,462.70.

**Local Rule 1007-4(a)(vii)**

12. A consolidated balance sheet is annexed hereto as **Schedule B**.

**Local Rule 1007-4(a)(viii)**

13. There are no publicly held securities of the Debtor.

**Local Rule 1007-4(a)(ix)**

14. None of the Debtors’ property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

**Local Rule 1007-4(a)(x)**

15. As previously noted, the Debtor is a single asset real estate.

**Local Rule 1007-4(a)(xi)**

16. The Debtor’s assets are located at 1443 61 Brooklyn, New York. The books and records of the Debtor are located at 1742 46th Street, Brooklyn, New York.

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<sup>1</sup> Debtor shall seek authority of this Court to retain an appraiser in this case to determine the present market value of the Property.

**Local Rule 1007-4(a)(xii)**

17. The following actions are pending against the Debtor:

Ronald Testa and Sally Testa v. 1443 61 LLC, et al, Index No. 6139/2011 Commercial foreclosure proceeding. Foreclosure sale scheduled for March 20, 2014.

**Local Rule 1007-4(a)(xiii)**

18. The Debtor's management consists solely of Yecheskel Weingarten, the Managing Member.

**Local Rule 1007-4(a)(xiv)**

19. The estimated payroll to employees (exclusive of officers and directors) for the thirty (30) day period following the filing of the chapter 11 petition is \$0.00.

20. The Debtor estimates monthly payroll and payments to officers, stockholders, and directors for the thirty (30) day period following the Chapter 11 petition is \$0.00.

**Local Rule 1007-4(a)(xv)**

21. The estimated amount to be paid for services to its officers and directors as a management fee for the thirty (30) day period following the filing of the Chapter 11 petition is \$00.00.

**Local Rule 1007-4(a)(xvi)**

22. The Debtor does not expect to have any cash receipts or disbursements for the thirty (30) day period following the filing of the Chapter 11 petition.

**CONCLUSION**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Brooklyn, New York  
March 19, 2014

 YW

Yecheskel Weingarten  
Managing Member

Sworn to before me this  
19th day of March, 2014

  
NOTARY PUBLIC

RACHEL BLUMENFELD  
Notary Public, State of New York  
No. 02BL6174443  
Qualified in Kings County  
Commission Expires September 17 2014